

Memorandum in Support COMMITTEE ON CHILDREN AND THE LAW

Children #5

May 30, 2017

S. 4835
A. 7553

By: Senator Avella
By: M. of A. Buchwald
Senate Committee: Children and Families
Assembly Committee: Codes
Effective Date: 90th day after it shall have
become a law

AN ACT to amend the family court act and the social services law, in relation to contact by siblings in foster care, surrender, destitute child and permanency proceedings.

LAW AND SECTIONS REFERRED TO: Sections 1081, 1089 & 1095 of the family court act and section 358-a, 383-c, 384 of the social services law.

THE COMMITTEE ON CHILDREN AND THE LAW SUPPORTS THIS BILL

This Bill would build on the rights established by Chapter 242 of the Laws of 2016 to provide a requirement for appropriate and regular sibling visitation when a determination is made not to place a sibling group together and to establish standing for a child to file a petition or move for an order regarding placement or contact with their sibling, including half-siblings, and make clear that the right to contact with a sibling is not terminated with the termination of a parent's right by extending those rights to children voluntarily placed in foster care pursuant to Social Services Law § 358-a or voluntarily surrendered pursuant to Social Services Law §§ 383-c or 384 or placed as a destitute child pursuant to Article 10-C.

Removal from home and placement into foster care is traumatic for children. Placement with siblings provides some ongoing normalcy for children by maintaining these important attachments. When that cannot happen, children often worry about how a sibling is faring and miss daily contact. It is crucial that regular visiting happen between siblings placed apart in foster care. The Bill would strengthen existing requirements regarding visitation and, ensures an avenue for redress if the visits are not occurring.

Equally as important the Bill would make clear that a surrender of parental rights does not also terminate an existing visitation order between siblings. Oftentimes in foster care, the younger children in a sibling group are adopted separately. This in itself is heartbreaking for an older sibling. Losing all contact with a younger brother or sister compounds the devastation. The clarification is necessary to keep those vital, lifelong bonds intact.

Based on the foregoing, the Committee on Children and the Law **SUPPORTS** this Bill.